

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

E-filed 10/5/05

2 EUMI . CHOI (WVBN 0722)
3 Chief, Criminal Division

4 STEPHANIE M. HINDS (CSBN 154284)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
7 Telephone: (415) 436-6816
8 fax: (415) 436-6748
e-mail: stephanie.hinds@usdoj.gov

Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)	No. C 03-1920 JF
)	
14 Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	EXTENDING STAY AND VACATING CASE
15 v.)	MANAGEMENT CONFERENCE
)	
16 MISCELLANEOUS FIREARMS,)	
17 SILENCERS AND AMMUNITION,)	
)	
18 Defendant.)	

19 Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through
20 undersigned counsel, hereby apply to the Court for a further order extending the stay of this
21 matter and vacating the case management conference currently scheduled for October 7, 2005.
22 In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and ammunition
23 alleged to have been illegally possessed by Kevin Dugan. As reported in the last request for an
24 extension staying this action, Dugan is a prospective claimant in this action,¹ which is based, in
25 large part, on the allegations at issue in the pending criminal action (United States v. Kevin
26 Dugan, CR 03-20010 JF) . The Court has previously entered orders staying this matter pending
27 resolution of the ongoing criminal proceeding. In addition to pretrial motions scheduled for
28 October 26, 2005 in the related criminal case, new defense counsel was substituted in earlier this

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

month. The factual predicate for entry of the stay has not changed. Accordingly, the parties hereby request that the Court extend the stay in this matter and continue the case management conference until Friday, January 13, 2006, or a date convenient for the Court.

Dated: 9/30/05

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

STEPHEN M. RINDS
Assistant United States Attorney

Dated: 10/1/05

DANIEL HALPERN
Attorney for Prospective Claimant Kevin Dugan

PROPOSED ORDER

IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-20010 JF. The case management conference currently scheduled for October 7, 2005, is vacated. The matter is continued for further status until Friday, January 13, 2006, or a date convenient for the Court.

Dated: 10/4/05

/s/electronic signature authorized

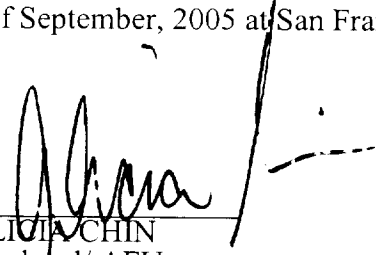
JEREMY FOGEL
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **Stipulation and [Proposed] Order Extending Stay and Vacating Case Management Conference** to be served this date by electronic delivery upon the persons below at the place and address which is the last known address:

Daniel Halpern
Halpern & Halpern
111 N. Market Street, Suite #1010
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of September, 2005 at San Francisco, California.


ALICIA CHIN
Paralegal/ AFU